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Attorneys for Plaintiff  
EMILEE CASS

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

EMILEE CASS,  
Plaintiff,

vs.

STARBUCKS CORPORATION a  
Washington corporation, and DOES 1  
to 50,  
Defendants.

No. C-07-03549 JW

**NOTICE OF MOTION AND MOTION  
TO WITHDRAW AS COUNSEL FOR  
PLAINTIFF EMILEE CASS**

(Civil L.R. 11-5)

Date: May 5, 2008

Time: 9:00 a.m.

Courtroom:

Judge James Ware

TO DEFENDANT STARBUCKS CORPORATION AND ITS ATTORNEYS OF  
RECORD HEREIN:

Hinkle, Jachimowicz, Pointer & Emanuel (HJP&E), counsel for Plaintiff EMILEE CASS (Cass) hereby moves, pursuant to Civil Local Rule 11-5, for an order relieving it as counsel for Cass.

**I. MEMORANDUM OF POINTS AND AUTHORITIES**

Good cause exists for this application as Cass has repeatedly failed to maintain regular communications with HJP&E, and as a result HJP&E has been unable to prepare adequately for her case or to provide timely and adequate responses as required in this case. Previous court decisions have held that lack of cooperation by a client with its counsel, including lack of communication, is a sufficient reason for allowing withdrawal. See *Fischer v. Biman Bangladesh Airlines*, 1997 U.S. Dist. LEXIS 10405 (D.N.Y. 1997)

Every attempt has been made to resume communications with Cass. Counsel has hired an investigator to do a skip trace of her and has been unable to locate her. Each letter sent to her either by certified mail or regular mail has come back as undeliverable. Counsel is unaware of any email addresses for Cass.

Cass' last known address was 1260 N. Bascom Avenue, apartment 5, San Jose, CA 95128. Her last known phone numbers are (408) 260-2429 and (408) 828-1474.

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1 The declaration of Amy Carlson in support of this motion and the  
2 proposed order granting HJP&E's withdrawal as counsel are submitted  
3 herewith.

4 **II. CONCLUSION**

5 For the reasons stated above, HJP&E respectfully requests that the  
6 Court grant its motion to withdraw as counsel for Plaintiff, Emilee Cass  
7 effective on \_\_\_\_\_.

8  
9 Dated: March 19, 2008 HINKLE, JACHIMOWICZ, POINTER & EMANUEL

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12 AMY CARLSON  
13 Attorney for Plaintiff  
14 EMILEE CASS  
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**DECLARATION OF AMY CARLSON**

I, Amy Carlson, declare as follows:

1. I am an associate at Hinkle, Jachimowicz, Pointer & Emanuel, counsel of record for Plaintiff, Emilee Cass in this action.
2. I have been the attorney in my law firm with primary responsibility for all matters concerning Emilee Cass ("Cass"). My primary method of communication with Cass has been via regular mail or phone.
3. Cass has not been in contact with me in several months. Her phone numbers are no longer in service and mail to her last known address either by certified mail or regular mail are returned as undeliverable. Attached as Exhibit "A" is a true and correct copy of the envelopes I have received from the mail carrier.
4. I have hired an investigator to locate Cass and he has not had any luck in finding her either.
5. Defense counsel has served discovery on Cass. Without her information and cooperation, we are unable to respond to the discovery responses putting us at risk of being sanctioned for failure to comply with the discovery rules.

1 I declare under penalty of perjury under the laws of the State of  
2 California that the foregoing is true and correct, this \_\_\_\_ Day of March 2008, at  
3 San Jose, California.

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6 AMY CARLSON  
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